



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RCH/SPN/HDM
F. #2018R01309

*271 Cadman Plaza East
Brooklyn, New York 11201*

September 1, 2021

By ECF

The Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Rashid Sultan Rashid Al Malik Alshahhi, et al.
Criminal Docket No. 21-371 (BMC)

Dear Judge Cogan:

The parties respectfully submit this proposed joint agenda for the status conference in the above-captioned matter scheduled for September 2, 2021 at 10:00 a.m.

- Production of Rule 16 Material: The government has begun the production of discoverable material to the defendants pursuant to Federal Rule of Criminal Procedure 16. To date, the government has made ten productions totaling more than 100,000 pages of documents, but substantial discoverable material remains to be produced. The government continues to collect, review and produce discoverable material to the defendants on a rolling basis.
- Classified Information Procedures Act (CIPA): The government anticipates this case will involve briefing pursuant to CIPA. The government expects to file its CIPA Section 2 brief before the next status conference.
- Complex Case Designation: The government intends to seek designation of this case as complex pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii). Mr. Barrack believes this decision should be deferred until the next status conference so that there is parity of access to discovery materials before Mr. Barrack takes a position on complex case designation. Mr. Barrack agrees to an order of extension, excluding time from the Speedy Trial Act, until that date. Mr. Grimes has no objection to an exclusion of time until the next status conference.
- Brady Materials and Obligations: Given the stage of discovery, counsel for Mr. Barrack respectfully requests that a briefing schedule related to Brady and other

discovery motions be set at the next status conference, should it be necessary. The government has advised counsel for the defendants that, to date, it has not identified any exculpatory materials as defined by Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, but that it will continue to review material to ensure it meets its continuing disclosure obligations under Brady. Counsel for Mr. Grimes will raise any appropriate issues that may require the Court's consideration, should that become necessary.

- Bill of Particulars: Counsel for Mr. Barrack has requested a bill of particulars from the government. The government has advised counsel for Mr. Barrack that it believes the indictment satisfies the pleading standards of Federal Rule of Criminal Procedure 7(c)(1) and that a bill of particulars is not warranted in this case. Given the stage of discovery, counsel for Mr. Barrack would like to address a briefing schedule related to this issue, should it be necessary, at the next status conference. Mr. Grimes has no objection, but respectfully reserves the right to separately seek a bill of particulars after the government has substantially completed its production of discovery and he has had a reasonable opportunity to review it.
- Next Status Conference – The parties respectfully request that the Court schedule the next status conference approximately 60 days from the date of the status conference set for September 2, 2021.

Respectfully submitted,

JACQUELYN M. KASULIS
Acting United States Attorney

By: /s/
Ryan C. Harris
Samuel P. Nitze
Hiral D. Mehta
Assistant U.S. Attorneys
(718) 254-7000

cc: Counsel for Thomas Joseph Barrack (by ECF)
Counsel for Matthew Grimes (by ECF)
Clerk of the Court (BMC) (by ECF)